

CASE NO. 15-16626

IN THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

MANUEL de JESUS ORTEGA MELENDRES,
et al., Appellees-Plaintiffs

v.

JOSEPH M. ARPAIO, Sheriff of Maricopa County,
Arizona; *et al.*, Defendants

and

DENNIS L. MONTGOMERY, Appellant - Putative Intervenor

From the United States District Court
For the District of Arizona
The Honorable G. Murray Snow, Presiding
Case No. CV-07-2513

**APPELLANT'S OPPOSITION TO STREAMLINED REQUEST
FOR EXTENSION OF TIME TO FILE ANSWERING BRIEF**

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Appellant opposes the Streamlined Request for Extension of Time to file an Answering Brief from the Appellees (Plaintiffs in the court below). This Court on October 26, 2015 (Dkt # 5), had previously ordered the filing of the Answering by December 21, 2015. Appellant's opening brief was filed on November 20, 2015.

The presiding judge in the case below is writing his opinion. The case is going to be over. Appellants are merely seeking to run out the clock and achieve by delay results that they cannot obtain on the merits under the law.

Appellees have had abundant time and opportunity since filing their August 20, 2015, opposition to the motion to stay to be able to prepare an answering brief on the same factual events and legal issues by December 21, 2015. The factual events and issues in this Appeal No. 15-16626 are the same as Appeal No. 15-16440. Appellant previously filed a motion for stay on August 10, 2015, in Appeal No. 15-16440 which fully apprised the Appellees of all the issues. Appellees filed their opposition to the motion to stay on August 20, 2015. Similarly, the Appellees also briefed and addressed many of the issues in their replies in this Circuit in *Arpaio v. U.S. District Court*, Appeal No. 15-72440, in Dkt. #9 on August 20, 2015, and Dkt. # 11 on September 3, 2015.

Therefore, the Appellees now still have 21 days in which to file an answering brief by December 21, 2015. This is plenty of time. There is no reason for delay under these extreme circumstances. To allow further delay will work

manifest injustice, as the case will be over by the time this Court reaches decision.

Dated: November 30, 2015

Respectfully submitted,

/s/ Larry Klayman

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CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2015, I electronically filed the foregoing motion with the Clerk of the Court for the U.S. Court of Appeals for the Ninth Circuit by using the Ninth Circuit's CM/ECF system, causing it to be served upon the following counsel of record in the case through CM/ECF:

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